

REMARKS:

I. Introduction

In the Office Action mailed on May 19, 2006, the Examiner rejected claims 1 to 6, 10, 12 to 16, 18, and 19. The present amendment cancels claim 12, amends claims, 1, 13 and 18, and adds no new claims. Accordingly, claims 1 to 6, 10, 13 to 16, 18, and 19 are now pending in this application.

II. Claim Rejection Based on 35 U.S.C. § 112, first paragraph

The Examiner rejected claim 18 under 35. U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner stated that "Applicant has not presented the concept of the inner edge of the second ledge is sized to form an annular play of 0.1 mm between the first ledge".

Applicant respectfully submits that the subject matter was described in the specification in such a manner as to reasonably convey to one skilled in the relevant art the inventor, at the time the invention was filed, had possession of the claimed invention. See item 11 in FIG. 4, and the last sentence of paragraph 0014 (in publication US 2004/0107637) which indicates "preferably in the plane of the upper ledge 7 an annular play 11 (FIG. 4) of only 0.1 mm is provided." Reconsideration and withdrawal of the rejection is requested.

III. Claim Rejection Based on 35 U.S.C. § 103(a)

The Examiner rejected claims 1, 2 to 6, 10, 12 to 16, 18, and 19 under 35. U.S.C. § 103(a) as being unpatentable over Davis (U.S. 3,653,362) in view of the English translation of Japanese Patent to Yosomiya (JP 05-213358A).

Davis discloses a pet food container or liner (12) that is disposable and made of a one-piece, thin wall thermoplastic material. The drawings suggest that the liner has a uniform wall thickness throughout. It is not disclosed or readily apparent how the liner with an enrolled rim (18) is fabricated. However, it is clear that the liner is not formed by deep drawing as the flange has the same thickness as the remaining portions of the liner. During deep drawing, the flange is held by the tool while the remaining parts of the container are stretched.

The liner (12) of Davis is also designed to hang in a holder (10) and is designed to be

disposable. Thus, the liner is relatively thin walled. The liner is not designed to stand up like a plant pot. A plant pot needs sufficient stiffness for standing by itself and holding and protecting plants. This requires more stiffness and more weight than the hanging pet food liner. More stiffness and more weight results in bigger stacking loads. The stack of liners (12) shown in Davis in FIG. 3 would result in jamming if it was a plant pot stack due to deformation of the thin walls. The plant pots of the present invention are stacked one upon another without deformation to form a rigid stack.

Moreover, the deep-drawn plastic plant pots of the present invention have relatively rigid walls that do not easily deflect when removing the plant pots from the forming tool. This is the very heart of the problem which the present invention solves. Even if, the pet food liners (12) of Davis were deep drawn, the thin walls would easily deform to be removed from a deep drawing mold. The wave-shape of the present invention softens the cross-sectional stiffness without substantially affecting the axial stiffness so that the pots can be removed from the forming tool yet still form rigid vertical stacks. The wave-shape of the present invention is such that divisions defined by the wave shape are not significantly greater than dimensions of the intermediate support area so that deformation of the rim area during removal from the deep drawing mold are introduced on a short path and with minimal deformations into the residual shape of the plant pot. This is particularly important because the plastic is still relatively soft when plant pots are removed from the tooling and the final shape of the pot could be affected by such deformations. Assuming that the protrusions (3) of the liners (12) form a wave-shape, the sizing and spacing of the protrusions are such that deformations are introduced on a short path or so that the deformation on the remainder of the liner is minimized. It is important to note that the protrusions are not sized and spaced in this manner because the liners (12) are not faced with the same problem as the plant pots of the present invention.

The Examiner also stated that "Yosomiya teaches a stackable receptacle/container with an upper flange of a wall thickness greater than the wall thickness of the remaining parts (Yosomiya Fig. 3#13). However, it is clear that at least a portion of the wall (14) adjacent the upper flange (13) has a thickness equal to the upper flange (13). Thus, Yosomiya does not teach having an upper flange rim with a wall thickness greater than a wall thickness of the remaining parts of the plastic container and does not overcome the deficiencies of Davis.

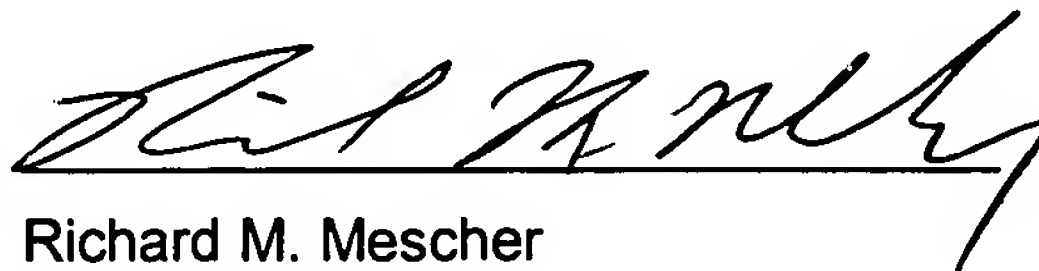
Independent claim 1, and claims dependent therefrom, are allowable because they each include the limitation of "wherein divisions defined by the wave shape are not significantly greater than dimensions of the intermediate support area so that deformations of the rim area during removal from the deep drawing mold are introduced on a short path and with minimal deformations into the residual shape of the plant pot" and "wherein the upper flange rim (12) has a wall thickness that is greater than a wall thickness of the remaining parts of the plastic plant pot." No prior art of record reasonably discloses or suggests the present invention as defined by claim 1. Reconsideration and withdrawal of the rejection is requested.

IV. Conclusion

In light of the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is found that that the present amendment does not place the application in a condition for allowance, Applicant's undersigned attorney requests that the Examiner initiate a telephone interview to expedite prosecution of the application.

If there are any fees resulting from this communication, please charge same to our Deposit Account No. 50-3915.

Respectfully submitted,



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October 19, 2006